GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Commercial Taxes Department – Surprise Check conducted over the Integrated Check Post Naraharipeta, Chittoor District on 09.01.2017 – Allegations of Corruption – Initiation of Disciplinary Proceedings against Sri Gunapati Prakash, ACTO, Integrated Check Post, Naraharipeta, Chittoor District under Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 - Article of Charges – Issued.

REVENUE (VIGILANCE-II) DEPARTMENT

G.O.Rt.No.834 **Dated:23-10-2020**

Read the following:

1. From DG, ACB, A.P, Lr.Rc.No.05/DES-TCT/2017, dated:21-10-2019.
2. G.O.Ms.No.306, Revenue (Vig.II) Department, dated:23-10-2020.
3. G.O.Ms.No.309, Revenue (Vig.II) Department, dated:23-10-2020.

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O R D E R :

In continuation of the orders issued under Rule 24 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 in the reference 2nd read above, it is considered necessary to hold an enquiry against Sri Gunapati Prakash, Assistant Commercial Tax Officer, Integrated Check Post, Naraharipeta, Chittoor District under Rule 20 of the said rules.

2. The substance of the imputation of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV).

3. Sri Gunapati Prakash, Assistant Commercial Tax Officer, Integrated Check Post, Naraharipeta, Chittoor District is directed to submit within ten days of the receipt of this order a written statement of his defense.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri Gunapati Prakash, Assistant Commercial Tax Officer, Integrated Check Post, Naraharipeta, Chittoor District is further informed that if he does not submit his written statement of defense on or before the date specified in para 3 above, further action will be processed based on the material available.

6. Attention of Sri Gunapati Prakash, Assistant Commercial Tax Officer, Integrated Check Post, Naraharipeta, Chittoor District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

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7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri Gunapati Prakash, ACTO, Integrated Check Post, Naraharipeta, Chittoor District (w.e, Annexures-I to IV) through the Chief Commissioner of State Tax, Andhra Pradesh, Vijayawada. (with a request to serve the order on the individual and send the served copy with dated signature to Government)

Copy to
The Chief Commissioner of State Tax, Andhra Pradesh, Eeedpugallu, Vijayawada.
The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Velagapudi.
The Director General, Anti Corruption Bureau, Pandit Nehru Bus Station, NTR Administration Block, 2nd Floor, Andhra Pradesh, Vijayawada.
The Deputy Commissioner, Commercial Taxes, Chittor District.
SF / SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLE OF CHARGE FRAMED AGAINST SRI GUNAPATI PRAKASH, ASSISTANT COMMERCIAL TAX OFFICER, ICP, NARAHARIPETA, CHITTOOR DISTRICT.

That, Sri Gunapati Prakash, working as Assistant Commercial Tax Officer, Integrated check Post, Naraharipet, Chittoor District having joined in Government Service on 01-04-1985 as Junior Assistant, posted to O/o Dy.Commissioner (CT), Chittoor and there worked up to 30-06-1991. From 01.07.1991 to 10-06-1996 at O/o Dy. Commercial Tax Officer, Srikalahasthi, from 10-06-1996 to 22-10-1998 at O/o BCP, Nagalapuram, from 25-10-1998 to 09-08-2000 at O/o ACTO, Satyaveedu, from 14-08-2000 to 11-09-2001 at O/o ICP, Naraharipet, then he got promoted as Senior Assistant and worked from 11-09-2001 to 31-05-2007 at O/o DC(CT), Chittoor, from 01-06-2007 to 17.07.2009 at O/o CTO, Tirupati, from 17-07-2009 to 21-03-2010 at O/o 21.03.2010 at O/o CTO, Puttur, then he got promoted as ACTO on 22-03-2011 and worked from 22-03-2010 to 31-03-2011 at O/o Dy.Commissioner (CT), Chittoor, from 01-04-2011 to 02-04-2014 at O/o BCP, Tadukupet, from 02-04-2012 to 30-032013 at O/o CTO, Chittoor-II, from 01-04-2013 to 15-11-2014 at O/o DCTO & AO BCP, Palamaner, from 16-11-2014 to 24-08-2015 at Dy.Commissioner (CT), Chittoor, Then he was transferred to ICP, Naraharipeta, Chittoor District there he worked from 24-08-2015 to till date of Surprise Check i.e., on 09-01- 2017 He is herein after called as Government Servant (GS). While working as ACTO. Integrated Check Post, Naraharipeta, Chittoor District, he committed grave misconduct in as much as the following.

CHARGE-1:

That the Government servant Sri Gunapati Prakash, while working as Assistant Commercial Tax officer, Integrated Check Post, Naraharipeta, Chittoor District has engaged the services of 01 un authorized Private Employee to attend Government duties at the Check Post.

CHARGE-2:

That the Government Servant Sri Gunapati Prakash by engaging 01 private employee and in connivance of with their staff allowed the collection of bribe amounts in the check post from the drivers /cleaners of the vehicles passing through the check post.

CHARGE-3:

That the Government Servant Sri Gunapati Prakash being the officer incharge of the Check Post failed to account for un accounted amount of Rs.12,000/- is seized under the gas cylinder table of the kitchen room, and un accounted amount of Rs.8,750/- is seized in the books rack of hall and un account amount of Rs.5,140/- is seized books rack of the Record Room. Further an excess amount of Rs.5,950/- is seized from the possession of Sri Subba Venkata Babu, Generator Operator, an excess amount of Rs.8,560/- is seized from the possession of Sri Salinka Sreedhar Rao @ Giri, Generator Operator and an excess amount of Rs.1,730/- is seized from the possession of Sri Rathnam Nagaraju, Security Guard, AMC, ICP.

CHARGE-4:

That the Government Servant Sri Gunapati Prakash being a supervisory officer failed to take all possible steps to ensure the integrity and devotion to duty of all the Government servants for the time being under her control authority.

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Thus, Sri Gunapati Prakash by his above mentioned acts has exhibited lack of integrity, devotion to duty and slack supervision, conduct unbecoming of a Public Servant and thereby contravened Rule 3 (1), (2) & (5) of The Andhra Pradesh Civil Services (Conduct) Rules, 1964.

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OF MISBEHAVOUR IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST SRI GUNAPATI PRAKASH, ASSISTANT COMMERCIAL TAX OFFICER, ICP, NARAHARIPETA, CHITTOOR DISTRICT.

That, Sri Gunapati Prakash, worked as Assistant Commercial Tax Officer, ICP, Naraharipeta, Chittoor District from 25-08-2015 to till date of Surprise Check i.e., 09-01-2017.

That, Sri Gunapati Prakash is a native of Srikalahasthi town, Chittoor District. His date of birth is 01-07-1960. He joined in Government service on 01-04- 1985 as Junior Assistant, posted to O/o Dy.Commissioner (CT), Chittoor and there worked up to 30-06-1991. From 01-07-1991 to 10-06-1996 at O/o Dy. Commercial Tax Officer, Srikalahasthi, from 10-06-1996 to 22-10-1998 at O/o BCP, Nagalapuram, from 25-10-1998 to 09-08-2000 at O/o ACTO, Satyaveodu, from 14- 08-2000 to 11-09-2001 at O/o ICP, Naraharipet, then he got promoted as Senior Assistant and worked from 11-09-2001 to 31-05-2007 at O/o DC(CT), Chittoor, from 01-06-2007 to 17-07-2009 at O/o CTO, Tirupati, from 17-07-2009 to 21-03-2010 at O/o 21-03-2010 at O/o CTO, Puttur, then he got promoted as ACTO on 22-03-2011 and worked from 22-03-2010 to 31-03-2011 at O/o Dy. Commissioner (CT), Chittoor, from 01-04-2011 to 02-04-2014 at O/o BCP, Tadukupet, from 02-04-2012 to 30-03-2013 at O/o CTO, Chittoor-II, from 01-04-2013 to 15-11-2014 at O/o DCTO & AO, BCP, Palamaner, from 16-11-2014 to 24-08-2015 at Dy.Commissioner (CT), Chittoor, Then he was transferred to ICP, Naraharipeta, Chittoor District there he worked from 24-08-2015 to till date of Surprise Check i.e., on 09-01-2017. His basic pay with Scale of pay is Rs.59,890/- (28,940/- to 80,930/-) as on 09-01-2017. He is herein after referred to as Government Servant (G.S).

CHARGE-1 :

That the Government servant Sri Gunapati Prakash, while working as Assistant Commercial Tax officer, Integrated Check Post, Naraharipeta, Chittoor District has engaged the services of 1 un authorized Private Employees to attend Government duties at the Check Post.

FACTS AND EVIDENCE:

On credible information that the officials working in the ICP, Naraharipeta, Chittoor, Chittoor District are indulging in corrupt and illegal practices and collecting illegal gratifications/bribes from the vehicle drivers/ cleaners passing through the check post by engaging the services of private persons, a surprise check was conducted by ACB officials in the presence of two official witnesses on 09-01-2017 from 02:15 hrs to 08:30 hrs. The Government Servant Sri Gunapati Prakash, is the Assistant Commercial Tax Officer, Integrated Check Post, Naraharipeta, Chittoor, Chittoor District. During the surprise check, 1 Un Authorized Private Employees is found discharging Government duties at the Check Post and he allowed to collect bribe amounts in the check post from the drivers/cleaners of the vehicles passing through the check post.

On examination of Private person Sri Vellamagari Reddappa, Private Person about the presence of unaccounted amount and the other details, he voluntarily stated that he is being engaged by DCTO cum AO and also by the ACTOs who are on duty by paying an amount of Rs.300/- per day and he is working in the check post since 2 years. He further stated that he used to assist the CT department officials in stopping the vehicles, collecting bribe amount from the Drivers/ cleaners of the vehicles that pass through the check

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post. The amount found in his possession i.e., Rs.10,500/- is the bribe amount collected from Drivers/cleaners in this shift. He also stated that his daily wages are being met from the bribe amount collected by the officials of CT Department. Further he stated that he neither has any agricultural lands nor leased any lands from the others in and around this check post and etc., facts.

During the Surprise check when the DSP, ACB examined the truck drivers/cleaners and their statements were got recorded in which they voluntarily stated that they regularly used to pass through this Integrated Check Post, CT Dept., Naraharipeta, for that they need to get it verify their records by the CT officials and get stamp on the papers. For that, even though they are having all the valid records the CT officials at the check post used to collect bribe amount of Rs. 50/- to 200/- per vehicle to pass through the check post, if they does not pay at counters, they will be harassed in the name of checking and registering cases. Today while they were about to get stamps on the papers by paying the amount, recorded their statements and etc., facts.

From the above, it is clear that the Government Servant Sri Gunapati Prakash, Assistant Commercial Tax Officer, ICP, Naraharipeta, Chittoor in collusion with her staff engaged the services of 1 Un Authorized Private Employee allowed him to collect money illegally on behalf of the staff of ICP, Niraharipeta, Chittoor District.

G.O. Ms. No. 381 (Ser.C) Dept. Dt.8-12-2003 and the Circular Memo No. 101/Spl.B/2000-4, dt. 17-4-2001 of Govt General Administration Deprt (SplB)" states that no manual or any procedure prescribed to engage a private person to perform certain official duties during the course of departmental activity".

CHARGE-2:

That the Government Servant Sri Gunapati Prakash by engaging 01 private employee and in connivance of with their staff allowed the collection of bribe amounts in the check post from the drivers/cleaners of the vehicles passing through the check post.

FACTS AND EVIDENCE:

On credible information that the officials working in the ICP, Naraharipeta, Chittoor, Chittoor District are indulging in corrupt and illegal practices and collecting illegal gratifications/bribes from the vehicle drivers/ cleaners passing through the check post by engaging the services of private persons, a surprise check was conducted by ACB officials in the presence of two official witnesses on 09-01-2017 from 02:15 hrs to 08:30 hrs. To that effect un accounted amount of Rs.12,000/- is seized under the gas cylinder table of the kitchen room, and un accounted amount of Rs. 8,750/- is seized in the books rack of hall and un account amount of Rs. 5,140/- is seized books rack of the Record Room. Further an excess amount of Rs. 5,950/- is seized from the possession of Sri Subba Venkata Babu, Generator Operator, an excess amount of Rs. 8,560/- is seized from the possession of Sri Salinka Sreedhar Rao @ Giri, Generator Operator and an excess amount of Rs.1,730/- is seized from the possession of Sri Rathnam Nagaraju, Security Guard, AMC, ICP. Neither the private person nor the Staff of ICP has claimed or accounted for the above cash.

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CHARGE-3:

That the Government Servant Sri. Gunapati Prakash being the officer incharge of the Check Post failed to account for un accounted amount of Rs. 12.000/- is seized under the gas cylinder table of the kitchen room, and un accounted amount of Rs. 8,750/- is seized in the books rack of hall and un account amount of Rs. 5,140/- is seized books rack of the Record Room. Further an excess amount of Rs. 5,950/- is seized from the possession of Sri Subba Venkata Babu, Generator Operator, an excess amount of Rs. 8,560/- is seized from the possession of Sri Salinka Sreedhar Rao @ Giri, Generator Operator and an excess amount of Rs.1,730/- is seized from the possession of Sri Rathnam Nagaraju, Security Guard, AMC, ICP.

FACTS AND EVIDENCE:

During the surprise check a thorough search was conducted in the premises of check post, in which in the searches in the kitchen and dinning a wad of currency notes to a tune of Rs. 12,000/- is present under the gas table of the kitchen, an amount of Rs. 8,750/-in the books rack of hall where CT department counters arc present and an amount of Rs. 5,140/- is present in the hooks rack of the Record room. In addition to that an excess amount of Rs.5,950/- is found in the possession of Sri Subba Venkata Babu, Generator Operator, an excess amount of Rs. 8,560/- is found in the possession of Sri Salinka Sreedhar Rao @ Giri, Generator Operator and an excess amount of Rs.1,730/- is found in the possession of Sri Rathnam Nagaraju, Security Guard, AMC, ICP. Since, no office staff or private person has claimed or etc accounted for the above cash. The total un accounted and excess cash of Rs.52,630/- is seized by the DSP, ACB, Tirupati for taking further action.

CHARGE-4:

That the Government Servant Sri. Gunapati Prakash being a supervisory officer failed to take all possible steps to ensure the integrity and devotion to duty of all the Government servants for the time being under her control and authority.

FACTS AND EVIDENCE:

On credible information that the officials working in the ICP, Naraharipeta, Chittoor, Chittoor District are indulging in corrupt and illegal practices and collecting illegal gratifications/bribes from the vehicle drivers/ cleaners passing through the check post by engaging the services of private persons, a surprise check was conducted by ACB officials in the presence of two official witnesses on 09-01-2017 from 02:15 hrs to 08:30 hrs. This evident by the presence of unauthorized private person, seizure of mamools amount from the private person and from the premises and excess un authorized amount found in the possession of out sourcing staff i.e., Generator Operator and AMC security Guard and not executing proper control on the attendance of the staff.

Thus, the Government Officer Sri. Gunapati Prakash, being a public servant by her above mentioned acts has exhibited lack of integrity, devotion towards duty and conduct unbecoming of a Government Servant and Slack supervision and thereby contravened Rule 3(1), (2) & (5) of A.P.C.S (Conduct) Rules, 1964.

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-III

LIST OF DOCUMENTS BY WHICH ARTICLES OF CHARGES FRAMED AGAINST SRI GUNAPATI PRAKASH, ASSISTANT COMMERCIAL TAX OFFICER, ICP, NARAHARIPETA, CHITTOOR DISTRICT.

1. Original Surprise Check Proceedings drafted from 02:15 hrs to 08:30 hrs on 09-01-2017 at 1CP, CT Department, Naraharipeta, Chittoor District.
2. Duty Register/Attendance Registers of ICP maintained for C.T. Dept and Transport Dept. from 01-01-2017 to 09-01-2017.
3. Attendance Registers: maintained for Agriculture department from 01.01.2017 to 09-01-2017.
4. Pursonal Cash Register of Agricultural Dept: maintained from 01.01.2016 to 09-01-2017.
5. Personal Cash Register of CT and RTA Dept: maintained from 01.01.2017 to 09-01-2017.
6. Attendance Register: maintained by Excise department from 01.11.2016 to 09-01-2017.
7. Letter Rc.No. SA/02/2017, dt: 10-01-2017 of DCTO & AO, ICP, Naraharipeta, Chittoor Division, Chittoor District.
8. Memo No 101/Spl.B/2000-4, dt. 17-4-2001 of Govt General Administration Deprt (SplB) of Commissioner, Commercial Tax Department, AP, Hyderabad.

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE – IV

LIST OF WITNESSES BY WHOM ARTICLES OF CHARGES FRAMED AGAINST SRI GUNAPATI PRAKASH, ASSISTANT COMMERCIAL TAX OFFICER, ICP, NARAHARIPETA, CHITTOOR DISTRICT.

1. Sri Geepalem Lokanadham Dhanunjayulu, S/o. G. Lokanadham Chetty, Age58, Head Master, ZPHS, M.R.Palle, Tirupati, R/o. D.No.2-45/6, Nethaji street, Thiruchanur, Cell No. 9490999938 and 9490276234.
2. Sri Surappagiri Ravindra Raju, S/o.S.V.Rama Raju, School Assistant, Tirupati, R/o. D.No. 508, Ganga Block, Varsha Viswunath Nagar, Thiruchanur, Cell No. 9885949151.
3. Sri S.Srinu, Age-32, S/o S.Ramu, Driver of Lorry bearing No: AP 31 T 7758. R/o. D.No:4-219, Valasalapakala, Kakinada, East Godavari Dist, DL.No.DLF AP 005349332005, Cell No.9701717184.
4. Sri D.Venkateswar Rao, Age-42, S/o. D.Appa Rao, Driver of Lorry bearing No:AP05 TC 9090. R/o. D.No:65-17-15, Meltar Nagar, Kakinada, East Godavari. Cell No: 9494954114, DL No: DL AP5765/ 1996.
5. Sri N.Rajani, Age-39, S/o.N.Narayana swamy, Driver of lorry bearing No: TN23 BB 1128, R/o. D.No:3/1078-3, Sunnapu Street, Tadipatri, Ananthapur Dist., Cell No:9550070667.DL No: AP00219970004007.
6. Sri Ranga Ram Kumar, Age-38, S/o.Venkateswarlu, Driver cum owner of lorry bearing No: AP27 TS 5877, R/o. 2-3, Chatragaddapadu, Vinugonda, Guntur Dist, Cell No:9177566855. DL No:2203/FDL/2000.
7. Sri B.Krishana Reddy, Age-29, S/o. S. Ramana Reddy, Driver cum owner of lorry bearing No: AP27 TX 8577, R/o.D.No:2-164, Chimakurthy village, NSB colony, Prakasam Dist., Cell No:9666546559. DL No: DIYAP027151912006.
8. Sri R.Vijaya Babu, Age-29, S/o.Sambaiah, Driver of lorry bearing No: AP27 TX 9855, R/o. D.No:1-65/4, Ramanaiah palem, Paruchuru mandal, Prakasam Dist., Cell No:7702759446. DL.No: DLFAP12712702006.
9. Sri Subba Ven ka ta Babu, Age-52, S/o Late S.Venkatarathnam, Generator Operator, Narahaipeta, Rio D.No.21-123-9, Baba colony, Thotapalli, Santhapeta, Chittoor. Cell.No.8125771880 and 7702769541.
10. Sri. Salinka Sreedhar Rao @ Girl, Age-32, S/o. S.Narasimha Rao, Generator Operator, ICP, Naraharipeta, Chittoor District. R/o D.No.3-596/1, Gandla Street, Greams peta, Chittoor District. Cell No. 9701125517.
11. Sri Vellamagari Reddappa, Age-44, S/o V.Narayanaswamy, Private person, ICP, Naraharipeta, Chittoor District, R/o.Vasanthapuram, Gudipala Mandal, Chittoor District. Cell No. 8500562484.
12. Sri A.Sankar Reddy, DSP, ACB, Tirupati Range, Tirupati.
13. Sri K.Chandrasekhar, Inspector of Police, ACB, Tirupati Range, Tirupati.

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER